

REMARKS

The Office Action mailed May 22, 2008, has been received and its contents carefully noted. The pending claims, claims 1-13, were rejected. By this Response, claim 1 has been amended and claim 13 was canceled. Support may be found in the specification and the claims as originally filed. No statutory new matter has been added. Therefore, reconsideration and entry of the claims, as amended, are respectfully requested.

Rejections under 35 U.S.C. 112, first and second paragraphs

The Examiner rejected the claims 8, 9, 12 and 13 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner rejected claims 8, 9, 12 and 13 under 35 U.S.C. 112, second paragraph, as being indefinite.

Applicants respectfully submit that the claims, as amended, comply with the written description requirement and are clear and definite. Therefore, the rejections under 35 U.S.C. 112, first and second paragraphs, should properly be withdrawn.

Rejection under 35 U.S.C. 103(a)

The Examiner rejected the claims under 35 U.S.C. 103(a) as being unpatentable over tEP 0718024 A2 (EP '024) in view of EP 0294588 A2 (EP '588).

Applicants respectfully submit that EP '024 and EP '588, alone or in combination, do not teach or suggest the claimed invention. This is evidenced by the denial of a European Opposition to the corresponding EP patent, EP Patent No. 1 062 022 (EP Appl. No. 99 939170.9). As provided in the attached copy of the decision to deny (dismiss) the Opposition, the EPO analyzed the disclosure of EP '024 and EP '588 and deemed that the claimed invention is novel and satisfies the inventive step requirement. Therefore, the EPO dismissed the opposition and upheld the validity of EP '022. Attached herewith is a copy of the English translation of the EP '022 claims. A side-by-side comparison indicates that the EP '022 claims are substantively the same as the claims of the instant application.

Applicants respectfully submit that the decision to deny the Opposition by the EPO supports the notion that one of ordinary skill in the art would not have been motivated to

combine the disclosures of EP '024 and EP '588 in order to obtain the claimed invention with a reasonable likelihood of success.

Therefore, Applicants respectfully request that the rejection under 35 U.S.C. 103(a) should properly be withdrawn.

Request for Interview

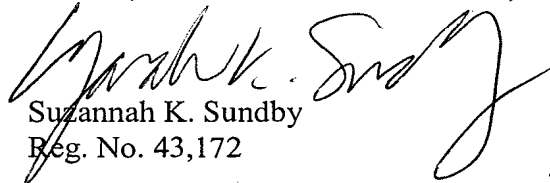
Applicants respectfully request either a telephonic or an in-person interview should there be any remaining issues.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Therefore, it is respectfully requested that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. 1.136(a), and any fees required therefor are hereby authorized to be charged to **Deposit Account No. 02-4300, Attorney Docket No. 033808 R 111.**

Respectfully submitted,
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